

Executive Summary – Enforcement Matter – Case No. 42013

Rita Laura Redow Karbalai

RN102075769

Docket No. 2011-1117-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Carby Street MHP Plant, located approximately 900 feet north and 1,900 feet east of the intersection of Airline Drive and Carby Street, Harris County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: March 23, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$17,640

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$490

Total Due to General Revenue: \$17,150

Payment Plan: 35 payments of \$490 each

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

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Docket No. 2011-1117-MWD-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: May 19, 2011

Date(s) of NOE(s): June 9, 2011

Violation Information

1. Failed to comply with permitted effluent limits for 5-day biochemical oxygen demand, total chlorine residual, flow, ammonia nitrogen, and total suspended solids [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014217001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2].

2. Failed to submit the annual sludge report for the monitoring period ending July 31, 2010 by September 1, 2010 [30 TEX. ADMIN. CODE § 305.125(1) and 305.125(17) and TPDES Permit No. WQ0014217001, Sludge Provisions].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, submit the annual sludge report for the monitoring period ending July 31, 2010;
- b. Within 45 days, submit written certification of compliance with Ordering Provision a.;
- c. Within 90 days, submit written certification of compliance with the permitted effluent limits of TPDES Permit No. WQ0014217001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limits; and
- d. The certifications required by Ordering Provisions b. and c. shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the ordering provisions.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

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RN102075769

Docket No. 2011-1117-MWD-E

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Steve Villatoro, Enforcement Division,
Enforcement Team 1, MC 169, (512) 239-4930; Debra Barber, Enforcement Division,
MC 219, (512) 239-0412

TCEQ SEP Coordinator: N/A

Respondent: Laura Karbalai, Owner, P.O. Box 55528, Houston, Texas 77255

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ
DATES

Assigned 13-Jun-2011
PCW 29-Dec-2011

Screening 5-Jul-2011

EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent Rita Laura Redow Karbalai
Reg. Ent. Ref. No. RN102075769
Facility/Site Region 12-Houston Major/Minor Source Minor

CASE INFORMATION

Enf./Case ID No. 42013
Docket No. 2011-1117-MWD-E
Media Program(s) Water Quality
Multi-Media
No. of Violations 3
Order Type Findings
Government/Non-Profit No
Enf. Coordinator Steve Villatoro
EC's Team Enforcement Team 1

Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$12,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 47.0% Enhancement Subtotals 2, 3, & 7 \$5,640

Notes Enhancement for four months of self-reported effluent violations, one NOV with same/similar violations, one NOV with dissimilar violations, and one agreed order with a denial of liability.

Culpability No 0.0% Enhancement Subtotal 4 \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0

Economic Benefit 0.0% Enhancement* Subtotal 6 \$0

Total EB Amounts \$853
Approx. Cost of Compliance \$10,050
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal \$17,640

OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$17,640

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$17,640

DEFERRAL 0.0% Reduction Adjustment \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY \$17,640

Screening Date 5-Jul-2011

Docket No. 2011-1117-MWD-E

PCW

Respondent Rita Laura Redow Karbalai

Policy Revision 2 (September 2002)

Case ID No. 42013

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102075769

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	5	25%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 47%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for four months of self-reported effluent violations, one NOV with same/similar violations, one NOV with dissimilar violations, and one agreed order with a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 47%

Screening Date 5-Jul-2011

Docket No. 2011-1117-MWD-E

PCW

Respondent Rita Laura Redow Karbalai

Policy Revision 2 (September 2002)

Case ID No. 42013

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102075769

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014217001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on May 19, 2011 and shown in the attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen and five day biochemical oxygen demand to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids and flow were also evaluated. As a result of these discharges, human health or the environment has been exposed to pollutants which exceed levels protective of human health or environmental receptors.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 2

61 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$10,000

Two monthly events are recommended for the months of June 2010 and July 2010.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$10,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$849

Violation Final Penalty Total \$14,700

This violation Final Assessed Penalty (adjusted for limits) \$14,700

Economic Benefit Worksheet

Respondent Rita Laura Redow Karbalai
Case ID No. 42013
Reg. Ent. Reference No. RN102075769
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	30-Jun-2010	11-Mar-2012	1.70	\$849	n/a	\$849

Notes for DELAYED costs

Estimated cost to evaluate the Facility to determine the cause of the effluent violations and complete corrective actions. Date required is the first month of noncompliance and final date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$849

Screening Date 5-Jul-2011

Docket No. 2011-1117-MWD-E

PCW

Respondent Rita Laura Redow Karbalai

Policy Revision 2 (September 2002)

Case ID No. 42013

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102075769

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

Violation Number 2

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0014217001, Effluent Limitations and Monitoring Requirements No. 2

Violation Description

Failed to comply with permitted effluent limits, as documented during a record review conducted on May 19, 2011 and shown in the attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0%

Matrix Notes

Chlorine residual was evaluated to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

28 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$1,000

One quarterly event is recommended for the quarter containing the month of February 2011.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$1,470

This violation Final Assessed Penalty (adjusted for limits) \$1,470

Economic Benefit Worksheet

Respondent Rita Laura Redow Karbalai

Case ID No. 42013

Reg. Ent. Reference No. RN102075769

Media Water Quality

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description **Item Cost** **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
No commas or \$

Delayed Costs

Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	\$0
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)			0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit for Violation No. 1.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0
Supplies/equipment			0.00	\$0	\$0	\$0
Financial Assurance [2]			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 5-Jul-2011

Docket No. 2011-1117-MWD-E

PCW

Respondent Rita Laura Redow Karbalai

Policy Revision 2 (September 2002)

Case ID No. 42013

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102075769

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and 305.125(17) and TPDES Permit No. WQ0014217001, Sludge Provisions

Violation Description

Failed to submit the annual sludge report for the monitoring period ending July 31, 2010 by September 1, 2010, as documented in a record review conducted on May 19, 2011.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

	Major	Moderate	Minor
Release			
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

307 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,000

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$1,470

This violation Final Assessed Penalty (adjusted for limits) \$1,470

Economic Benefit Worksheet

Respondent Rita Laura Redow Karbalai

Case ID No. 42013

Reg. Ent. Reference No. RN102075769

Media Water Quality

Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	1-Sep-2010	11-Jan-2012	1.36	\$3	n/a	\$3

Notes for DELAYED costs

Estimated cost to submit the annual sludge report for the monitoring period ending July 31, 2010. Date required is the date the annual sludge report was due and the final date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$3

Rita Laura Redow Karbalai
 TPDES Permit No. WQ0014217001
 Docket No. 2011-1117-MWD-E
 Case No. 42013

EFFLUENT VIOLATION TABLE								
Months	BOD5 Conc. Single Grab	BOD5 Daily Ave. Loading	Total Chlorine Residual Monthly Max.	Flow Daily Ave.	Ammonia Nitrogen Daily Ave. Conc.	Ammonia Nitrogen Conc. Single Grab	Ammonia Nitrogen Daily Ave. Loading	TSS Daily Ave. Loading
	Limit = 35 mg/L	Limit = 1.7 lbs/day	Limit = 4 mg/L	Limit = 0.02 MGD	Limit = 3 mg/L	Limit = 15 mg/L	Limit = 0.5 lbs/day	Limit = 2.5 lbs/day
June 2010	c	c	c	c	11.30	23	0.65	c
July 2010	35.2	2.34	c	0.061	8.27	42	0.57	2.55
February 2011	c	c	5	c	c	c	c	c

ave. = average

c = compliant

conc. = concentration

max. = maximum

mg/L = milligrams per liter

lbs/day = pounds per day

MGD = million gallons per day

BOD₅ = five day biochemical oxygen demand

TSS = total suspended solids

Compliance History

Customer/Respondent/Owner-Operator:	CN601121031 Rita Laura Redow Karbalai	Classification: AVERAGE	Rating: 4.63
Regulated Entity:	RN102075769 CARBY STREET MHP PLANT	Classification: AVERAGE	Site Rating: 5.43
ID Number(s):	WASTEWATER PERMIT WASTEWATER EPA ID		WQ0014217001 TX0123579
Location:	LOCATED APPROXIMATELY 900 FEET NORTH AND 1,900 FEET EAST OF THE INTERSECTION OF AIRLINE DRIVE AND CARBY STREET, HARRIS COUNTY, TEXAS		
TCEQ Region:	REGION 12 - HOUSTON		
Date Compliance History Prepared:	March 27, 2012		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	August 08, 2006 to August 08, 2011		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	Steve Villatoro	Phone:	(512) 239-4930

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? Yes
3. If Yes, who is the current owner/operator? OWN Rita Laura Redow Karbalai
4. If Yes, who was/were the prior owner(s)/operator(s)? OWN Rita Laura Redow Karbalai
OWN
5. When did the change(s) in owner or operator occur? 02/08/2010 OWN Rita Laura Redow Karbalai
11/05/2010 OWN Rita Laura Redow Karbalai
6. Rating Date: 9/1/2010 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 02/20/2011 ADMINORDER 2010-0497-MWD-E
 Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 319, SubChapter A 319.11(d)

Rqmt Prov: Mon. and Rep. Req. No. 2/Op. Req. No. 5 PERMIT

Description: Failed to measure flow in an accurate and representative manner. Specifically, the staff gauge used to measure flow was mounted on the weir blade.

Classification: Minor

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: EL&MR, P. 2, No. 2 PERMIT

Description: Failed to maintain compliance with permitted effluent limitations. Specifically, a grab sample collected during the investigation showed a chlorine residual of 0.11 milligrams per liter ("mg/L"). The permitted minimum chlorine residual is 1.0 mg/L.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: Operational Req. No. 1 PERMIT

Description: Failed to ensure that the facility and all its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, four and a half feet of settled solids were in the chlorine contact basin.

Classification: Moderate

Citation: 30 TAC Chapter 30, SubChapter J 30.350(d)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Other Requirements, P. 23, No. 1. PERMIT

Description: Failed to employ or contract with a licensed operator. Specifically, the permit requires that the Facility have an operator holding a Category D license or higher, and at the time of the investigation, the operator held an expired Category D license.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Per. Con. No. 2.d/EL&MR No. 4 PERMIT

Description: Failed to prevent a discharge of solids into the receiving stream (Harris County Flood Control Ditch P118-23-00). Specifically, six to 12 inches of settled sludge were observed extending for approximately 400 feet down gradient of the point of discharge into ditch P118-23-00 and approximately 50 feet up gradient of the point of discharge.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(9)

Rqmt Prov: M&RR, P. 5, No. 7 PERMIT

Description: Failed to submit a noncompliance notification to the TCEQ. Specifically, neither a 24 hour noncompliance notification nor a 5 day written notification for the discharge of sludge into the receiving stream was submitted as required.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(11)(B)
30 TAC Chapter 319, SubChapter A 319.7(a)
30 TAC Chapter 319, SubChapter A 319.7(c)

Rqmt Prov: Mon. and Rep. Req. Nos. 3.b and 3.c PERMIT
Operational. Req. No.1 PERMIT

Description: Failed to maintain calibration and maintenance records, quality assurance/quality control records, process control records, and operation and maintenance records.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
30 TAC Chapter 319, SubChapter A 319.7(d)

Rqmt Prov: M&RR No. 1/Sludge Provisions PERMIT

Description: Failed to submit monitoring results at the intervals specified in the permit. Specifically, the DMRs for the monitoring periods of May, October, November, and December 2009, were not submitted by the 20th day of the following month as required, and the annual sludge report for the monitoring period ending July 31, 2009, was not submitted by September 1, 2009.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Permit Conditions No. 2.g PERMIT

Description: Failed to prevent a discharge of raw sewage into or adjacent to water in the state. Specifically, evidence of a discharge of raw sewage was noted from a main line running through the mobile home park. The clean out cap was missing and raw sewage was observed in the ditch that discharges into the Harris County Flood Control District ditch.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	10/24/06	(509884)
2	01/03/07	(534515)
3	03/07/07	(536695)
4	03/22/07	(632704)
5	05/25/07	(632705)
6	05/25/07	(632706)
7	05/25/07	(632707)
8	08/20/07	(632708)
9	08/20/07	(632709)
10	01/22/07	(632710)
11	09/18/07	(632711)

12	01/22/07	(632712)
13	11/19/07	(632713)
14	01/22/07	(632714)
15	11/19/07	(632715)
16	01/22/07	(632716)
17	11/19/07	(632717)
18	01/22/07	(632718)
19	03/22/07	(632719)
20	01/28/08	(677604)
21	01/28/08	(677605)
22	03/20/08	(696379)
23	06/06/08	(696380)
24	02/25/09	(756474)
25	12/17/08	(756475)
26	12/17/08	(756476)
27	12/17/08	(756477)
28	01/20/09	(756478)
29	01/20/08	(756479)
30	02/25/09	(756480)
31	09/28/09	(764592)
32	03/29/10	(791256)
33	04/24/09	(820470)
34	06/01/09	(820471)
35	06/29/09	(820472)
36	11/06/09	(820473)
37	11/06/09	(820474)
38	11/06/09	(820475)
39	11/06/09	(820476)
40	03/08/10	(836435)
41	04/15/10	(836436)
42	05/14/10	(836437)
43	06/14/10	(847968)
44	06/30/10	(862403)
45	08/16/10	(869021)
46	09/16/10	(875866)
47	10/11/10	(883465)
48	11/12/10	(889842)
49	12/13/10	(898240)
50	01/26/11	(904102)
51	02/17/11	(910979)
52	03/24/11	(918262)
53	06/10/11	(921560)
54	04/19/11	(930905)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 10/24/2006 (509884)

CN601121031

Self NO

Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)

Description: Failure to provide the appropriate documentation for sample preservation. The samples collected on June 23 and 24, 2006 by the "client" were not received by

the lab until June 27, 2006. The temperature of the samples, when received by the laboratory, was not documented on the chain of custody.

Self Report? NO Classification: Moderate
 Citation: Monitoring & Reporting, pg 4, no. 1 PERMIT
 Description: Failure to accurately calculate and report the loading for carbonaceous biochemical oxygen demand, total suspended solids, and ammoni-nitrogen. The Discharge Monitoring Reports were incorrect for July 2005 through June 2006. This violation was noted in the last inspection conducted on April 28, 2004.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
 Description: Failure to accurately calculate and report the daily average flow on the Discharge Monitoring Report for July 2005 through September 2005 and March 2006. The instantaneous flow measurements are recorded five days per week. The average was being calculated based on flow measurements being acquired seven days a week.

Date 07/31/2007 (632711) CN601121031

Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date 09/28/2009 (764592) CN601121031

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

Description: Failure to maintain the clarifier skimmer.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 317 317.4(d)(3)

Description: Failure to maintain an intruder-resistant fence around the wastewater treatment plant.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)

30 TAC Chapter 305, SubChapter F 305.125(5)

Description: Failure to prevent the unauthorized discharge of sludge from the wastewater treatment plant.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 319, SubChapter A 319.11(d)

Mon. and Rep. Req. No. 2/Op. Req. No. 5 PERMIT

Description: Failed to measure flow in an accurate and representative manner. Specifically, the staff gauge used to measure flow was mounted on the weir blade.

Self Report? NO Classification: Minor

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)

30 TAC Chapter 305, SubChapter F 305.125(1)

EL&MR, P. 2, No. 2 PERMIT

Description: Failed to maintain compliance with permitted effluent limitations. Specifically, a grab sample collected during the investigation showed a chlorine residual of 0.11 milligrams per liter ("mg/L"). The permitted minimum chlorine residual is 1.0 mg/L.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(5)

Operational Req. No. 1 PERMIT

Description: Failed to ensure that the facility and all its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, four and a half feet of settled solids were in the chlorine contact basin.

Date 06/30/2010 (862403) CN601121031

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date 07/31/2010 (869021) CN601121031

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date 02/28/2011 (918262) CN601121031

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
RITA LAURA REDOW KARBALAI
RN102075769**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2011-1117-MWD-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Rita Laura Redow Karbalai ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that she has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment facility located approximately 900 feet north and 1,900 feet east of the intersection of Airline Drive and Carby Street in Harris County, Texas (the "Facility").

2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During a record review on May 19, 2011, TCEQ staff documented that the Respondent did not comply with permitted effluent limitations, as shown in the table below:

EFFLUENT VIOLATION TABLE								
Months	BOD5 Conc. Single Grab	BOD5 Daily Ave. Loading	Total Chlorine Residual Monthly Max.	Flow Daily Ave.	Ammonia Nitrogen Daily Ave. Conc.	Ammonia Nitrogen Conc. Single Grab	Ammonia Nitrogen Daily Ave. Loading	TSS Daily Ave. Loading
	Limit = 35 mg/L	Limit = 1.7 lbs/day	Limit = 4 mg/L	Limit = 0.02 MGD	Limit = 3 mg/L	Limit = 15 mg/L	Limit = 0.5 lbs/day	Limit = 2.5 lbs/day
June 2010	c	c	c	c	11.30	23	0.65	c
July 2010	35.2	2.34	c	0.061	8.27	42	0.57	2.55
February 2011	c	c	5	c	c	c	c	c

ave. = average c = compliant conc. = concentration max. = maximum
mg/L = milligrams per liter lbs/day = pounds per day MGD = million gallons per day
BOD5 = five day biochemical oxygen demand TSS = total suspended solids

4. During a record review on May 19, 2011, TCEQ staff documented that the Respondent did not submit the annual sludge report for the monitoring period ending July 31, 2010 by September 1, 2010.
5. The Respondent received notice of the violations on June 13, 2011.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014217001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2.

3. As evidenced by Findings of Fact No. 4, the Respondent failed to submit the annual sludge report for the monitoring period ending July 31, 2010 by September 1, 2010, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and 305.125(17) and TPDES Permit No. WQ0014217001, Sludge Provisions.
4. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of Seventeen Thousand Six Hundred Forty Dollars (\$17,640) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid Four Hundred Ninety Dollars (\$490) of the administrative penalty.

The remaining amount of Seventeen Thousand One Hundred Fifty Dollars (\$17,150) of the administrative penalty shall be payable in 35 monthly payments of Four Hundred Ninety Dollars (\$490) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Seventeen Thousand Six Hundred Forty Dollars (\$17,640) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Rita Laura Redow Karbalai, Docket No. 2011-1117-MWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
- a. Within 30 days after the effective date of this Agreed Order, submit the annual sludge report for the monitoring period ending July 31, 2010 to:

Compliance Monitoring Section
Enforcement Division, MC 224
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a, in accordance with Ordering Provision No. 2.d;
- c. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limits of TPDES Permit No. WQ0014217001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limits;
- d. The certifications required by Ordering Provision Nos. 2.b and 2.c shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the ordering provisions. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the

Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

4/11/12
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Rita Laura Redow Karbalai. I am authorized to agree to the attached Agreed Order on behalf of Rita Laura Redow Karbalai, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Rita Laura Redow Karbalai waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Laura Karbalai
Signature

02/01/12
Date

Karbalai
Name (Printed or typed)
Authorized Representative of
Rita Laura Redow Karbalai

owner
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section III, Paragraph 1 of this Agreed Order.